

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the present Official Action, issued in response to an RCE filed October 31, 2007, and which constitutes a Final Rejection, the Examiner first rejected Claims 33-34 under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, applicants amended each of Claims 33-34 to correct the alleged antecedent issues by amending the claim to recite “wearable appliance” in place of the objected to: user hand-held device.

Respectfully, full antecedent support is found in the added limitation and no new matter is being entered. The Examiner is respectfully requested to withdraw the rejection.

Further in the Office Action, Claims 2-12, 14-22 and 24-34 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Ran et al. (US Patent No. 6,209,026) (hereinafter “Ran”) in view of Shibata (US Patent No. 5,835,923) (hereinafter “Shibata”).

In response, applicants cancel each of independent Claims 2, 14 and 24 and incorporates the subject matter thereof into respective independent Claims 12, 22 and 32 now amended herein. These amended independent Claims 12, 22 and 32 now set forth the inventive system and method for communicating data to a wearable appliance implementing a wireless data receiver device for receiving wireless data communications, that includes implementing a user identification code that forms part of the data request for uniquely identifying the user’s wearable appliance and ensuring proper data transmission thereto.

Respectfully, the combination of Ran and Shibata do not teach nor suggest the subject matter of Claims 12, 22 and 32 as now amended.

Notwithstanding the Examiner's rejection on page 3, last paragraph, of the Final Office Action dated November 19, 2007 where the Examiner alleges that Ran discloses the request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto (at col. 2, lines 30-40 of Ran), applicants' respectfully disagree.

That is, contrary to the Examiner's reasoning provided in her rejection of Claim 2, Ran (US 6,209,026) does not state what the Examiner has alleged. Instead, this passage of Ran merely states the following:

In accordance with a still further aspect of the present invention, said central processing system assigns a universal user ID and password to a registered user and said user uses one or several of the following individual means and procedures to receive personalized real-time traveler information and warning: (1) filling or revising information/warning request forms and requesting a universal user ID and password for all individual means for receiving information and warning; (2) receiving personalized real-time traveler information; (3) receiving personalized abnormal real-time travel condition warning.

Thus, Ran must be interpreted as merely disclosing: "(1) filling or revising information/warning request forms and requesting a universal user ID and password for all individual means for receiving information and warning; (2) receiving personalized real-time traveler information; (3) receiving personalized abnormal real-time travel condition warning."

Consequently, Ran does not teach or suggest anywhere that "said request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto" as alleged in the Final Office Action. Rather, the instant invention as now claimed in amended Claims 12, 22 and 32 has an entirely different

feature according to which said data request includes a user identification code for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto.

Accordingly, Ran requests only a universal user ID and password for receiving information and warning instead of a user identification code for uniquely identifying the user's wearable appliance as required by the instant invention. Thus, Ran's user ID is used to provide data to a specific user, while in this invention the user ID is to identify a wearable device to be "awoke" to receive a data communication.

Thus, further to applicant prior arguments submitted with their response of May 29, 2007, the user does not have to actively participate in receiving the actual data transmission at the requested future time and location, i.e., the wearable appliance implements a built-in alarm mechanism that enables the wireless data receiver device to receive the requested wireless transmission at the specified time and location without requiring further user participation during the transmission. This is facilitated by the specification of a user identification code that forms part of the data request for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto.

The features of amended independent Claims 12, 22 and 32 clarify further novel aspects of the present invention that are neither taught nor suggested by Ran: namely, that it provides users with an asynchronous demand-pull functionality for a wearable digital appliance (e.g., a "smart" watch) that implements a wireless data receiver device by providing a method for communicating data to the wearable appliance so that the device may receive wireless data communications at a user-specified time and location and without user participation. User participation is not required in the present invention as the user device may be programmed to awake the data receiving channel from a sleep mode of operation to automatically wake up just before the receiving the data transmission at the requested time

and location if no other application on the device needs to use the receiving communication channel. This is facilitated by the specification of a user identification code that forms part of the data request for uniquely identifying the user's wearable appliance and ensuring proper data transmission thereto.

For all the foregoing reasons, applicant respectfully submits that amended independent Claims 12, 22 and 32 are patentably distinct over Ran, whether taken alone or in combination with Shibata, and the Examiner is respectfully requested to withdraw the rejections of all claims under 35 U.S.C. §103(a) and to allow these claims and all Claims dependent thereon to proceed to issuance. Present Claims 3, 15, 25 and 26 are being amended herein to change their dependency in view of the cancellation of Claims 2, 14 and 24.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Fischman", with a long horizontal flourish extending to the right.

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